

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

209

CRM-M-22428-2022

Date of Decision: 21.11.2022

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rohit Sharma, Advocate, for
Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Ram Chander.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.200 dated 28.04.2022 at Police Station Dabwali Sadar, District Sirsa, under Section 21(b) of the NDPS Act.
2. The allegations, in nutshell, are that co-accused Sushil Kumar was found in possession of 10.8 grams of 'heroin' and that during the course of interrogation, he disclosed that he had procured the same from the petitioner.
3. Today, learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court on 23.05.2022, the petitioner has since joined investigation and is not required for any custodial interrogation. It has, however, been informed that the petitioner otherwise stands involved in 3 more cases under the NDPS Act and that while he stands acquitted in 1 of the said 3 cases and he was convicted in 1 of the said cases.

4. Upon a query put by this Court to the learned State counsel as to whether there is any other evidence against the petitioner to connect him with the alleged recovery in the shape of call details record etc., learned State counsel has informed that the only evidence against the petitioner is in the shape of disclosure statement of co-accused Sushil Kumar.
5. Having regard to the facts and circumstances of the case particularly the fact that the petitioner was not arrested at the spot and has been nominated on the basis of disclosure statement made by co-accused Sushil Kumar and is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 23.05.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

21.11.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**